

MEMO ENDORSED

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May 8, 2023

BY EMAIL

Honorable Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007
ALCarterNYSDChambers@nysd.uscourts.gov

Re: *Brown v. New York City Transit Authority et al.*, 22-cv-02949

Dear Judge Carter:

We represent Defendant Carolyn Pokorny in the above-referenced case. We write, with the consent of Plaintiff, to respectfully request that the Court waive Ms. Pokorny's obligation to file a pre-motion conference letter in this matter.

By way of background, Plaintiff filed his original complaint in this case on April 8, 2022, naming New York City Transit Authority, Sarah E. Feinberg, and Joseph Nasella as defendants (the "Original Defendants"). *See* Dkt. 1. Ms. Pokorny was not an Original Defendant. On July 8, 2022, the Original Defendants filed a letter to the Court requesting "a pre-motion conference in connection with Defendants' proposed Rule 12(b)(6) motion to dismiss the Complaint," *see* Dkt. 16 at 1, to which Plaintiff responded on July 13, 2022, *see* Dkt. 17. On February 9, 2023, the Court granted Plaintiff leave to amend his complaint by February 24, 2023, and granted the Original Defendants leave to file their motions to dismiss by March 10, 2023. *See* Dkt. 18.

On February 27, 2023, Plaintiff filed an amended complaint, adding Ms. Pokorny and the Metropolitan Transportation Authority (the "MTA") as defendants. *See* Dkt. 22. On April 13, 2023, the Court adopted the Original Defendants and the MTA's request to file motions to dismiss Plaintiff's amended complaint by May 26, 2023. *See* Dkt. 37. The Court also granted Defendant MTA's request to file its motion to dismiss without filing a pre-motion conference letter to the Court. *See id.* On that same date, the Court granted Ms. Pokorny's request to extend her time to respond to the Amended Complaint to May 26, 2023, so that all defendants in this matter are on the same timeline. *See* Dkt. 38.

Given that Ms. Pokorny intends to file a motion to dismiss, and so as to ensure that she remains on the same briefing schedule as the other Defendants, she respectfully requests that the Court waive her obligation under paragraph 2(A) of the Court's Individual Practices to file a pre-motion conference letter, as the Court did for Defendant MTA. *See* Dkt. 37. As noted above, Plaintiff consents to this request.

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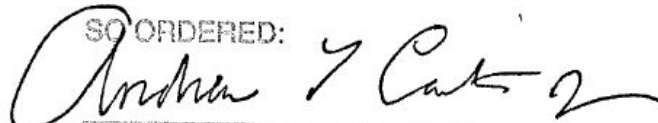
Respectfully,



Jillian B. Berman

cc: Counsel of Record (via ECF)

Defendant Carolyn Polorny's
request is hereby GRANTED.

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Dated: May 23, 2023
New York, NY